

**Remarks**

Applicant has reviewed the Office Action dated as mailed January 10, 2008, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1, 4-10, 11, 13-19, 21-23, 25-27, 29-30, 36, 39-46. Claims 1, 21, 25 and 36 have been amended. Claims 3, 24, and 38 have been canceled.

**Claim Rejections under 35 U.S.C. §103**

Claims 1, 3-11, 14-19, 21-26, 29, 30, 36, 38-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,406,476 to Deziel, Jr., et al. (hereinafter “Deziel”) in view of U.S. Patent Application 2003/0225748 to Haeberle (hereinafter Haeberle). This rejection is respectfully traversed. Turning initially to the rejection of independent claim 1 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, claim 1 has been amended to recite:

“determining an estimated project churn, wherein project churn includes any identifiable and unplanned changes to a scope of the project;

collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes for determining the estimated project churn, wherein collecting heuristic information comprises at least one of:

collecting a time to complete a same or a similar task in another project;

sampling a plurality of times to complete the same or similar task in a plurality of other projects; and

surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task;

entering at least optimistic, pessimistic and expected time requirements for reworking or modifying each task of the project requiring rework or modification in response to any potential project changes; and

allocating resources in response to the estimated project churn.”

In rejecting claim 1, the Office Action asserted:

“Column 15, lines 63-68 . . . shows determining an estimated delay in the project to account for shortfalls, and column 15, lines 44-58

... further shows that [a] shortfall is included among any identifiable and unplanned change to a scope of a project.”

Column 15, lines 44-58 of Deziel state:

“a shortfall occurs when the resource is inoperative due to, for example, a person resource going on vacation or a mechanical resource being shut down for maintenance.”

Applicant respectfully submits that this recitation from Deziel merely defines a “shortfall” as when a resource becomes inoperative due to some change in the resource, such as a person working on the project left for vacation or a machine is down due to repairs. However, Applicant’s “project churn” comprises any unplanned changes to “the scope of the project,” as recited in claim 1. Because Deziel does not teach of any unplanned changes to the “scope of the project,” Deziel also does not teach of any such “project churn.”

Also, in rejecting claim 1, the Office Action cited column 7, lines 58-67 of Deziel which recites:

“In box 101, the user or manager defines the project network. This is done by identifying all of the activities that a project will entail as well as the necessary order (precedence) for carrying out the activities. The precedence is specified according to precedence arcs which identify for each activity those activities (if any) which must be scheduled and completed before the current activity can be scheduled. The user will also specify the parameters of a probability distribution on activity duration for each activity. Any parametric form of probability distribution may be used.”

Applicant respectfully submits that this recitation from Deziel merely teaches that the user or manager identifies activities associated with a project as well as the necessary order (precedence) for carrying out the activities, and Deziel does not teach or suggest collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes as provided by the embodiment of the present invention as recited in amended claim 1.

Further, the Office Action admits that Deziel does not teach or suggest that collecting the heuristic information comprises at least one of: collecting a time to complete a same or a similar task in another project; sampling a plurality of times to complete the same or similar task in a

plurality of other projects; and surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task as provided by amended claim 1. The Office Action, instead, referred to Haeberle to remedy this deficiency of Deziel, citing paragraph [0007] of Haeberle. However, paragraph [0007] of Haeberle only discloses that managers may collect and reuse project data (i.e. “templates, tasks, positions, and personnel assignments”), but Haeberle does not teach, suggest or disclose any of the above-mentioned claim features. For example, no where does Haeberle discuss collecting time(s) to complete the task(s) or surveying managers to gather an estimated time of task completion. The Office Action has not indicated where in Haeberle these specific claim features are taught.

Additionally, claim 1 has been amended to include the features of dependent claim 3 which patentably distinguish over both Deziel and Haeberle. Column 8, lines 2-4 of Deziel were cited in rejecting claim 3. Column 8, lines 2-4 recite:

“[t]he Triangular Distribution requires estimates of the optimistic, pessimistic and most likely durations for each activity.”

Applicant respectfully submits that Deziel merely discloses estimating how long each activity will take to initially complete and does not discuss entering in time requirements “to rework or modify each task of the project requiring rework or modification . . . .” This is because Deziel is only concerned with initial planning of a project – not reworking or modifying each task of the project requiring rework or modification in response to any potential project changes as provided by the embodiment of the present invention in claim 1 (emphasis added). Additionally, Deziel teaches estimating a duration for each activity and not just activities of the project requiring rework or modification as recited in amended claim 1.

For all of the reasons discussed above, claim 1 is respectfully submitted to be patentably distinguishable over Deziel in view of Haeberle, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of independent claim 1 is respectfully requested.

Regarding the rejection of claims 4-10 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, at least claims 5, 8, and 10 recite additional features which further patentably distinguish over Deziel in view of Haeberle. Claim 5 recites, “determining an average time requirement to rework or modify each task of the project requiring rework or

modification in response to any potential project changes.” The Office Action cited column 8, lines 24-26 in rejecting claim 5. However, this cited section of Haeberle only deals with the initial duration of an activity and does not discuss time requirements for “rework or modification” of a task. Indeed, since there is no teaching, suggestion or disclosure of time requirements for “rework or modification” of each task, there is certainly no teaching, discussion or suggestion of determining “average time requirements” for “rework or modification” of each task.

Claim 8 recites, “performing a weighted average duration analysis on the average time requirement for each task of the project requiring rework or modification in response to any potential project changes.” The Office Action cited column 8, lines 24-26 of Deziel in rejecting claim 8. Column 8, lines 24-26 of Deziel recite:

“(3) In box 103, an initial estimate of the project’s duration is calculated using  $N^{-1}(\%|t_j^u, t_j^l)$  for each activity’s duration.”

Deziel in Column 6, lines 5-7 defines the equation in Column 8, lines 24-26:

“ $N^{-1}(\%|\mu, \nu)$  The inverse cumulative normal distribution for a given mean  $\mu$ , variance  $\nu$ , valued at a probability %.”

Accordingly, the cited section of Deziel teaches determining an inverse cumulative distribution and not performing a weighted average duration analysis as recited in claim 8.

Claim 10 recites: “tracking reworked tasks and time duration to complete each reworked task during the course of the project.” The Office Action asserted column 19, lines 19-28, in rejecting claim 10. Applicant respectfully submits that column 19, lines 19-28, of Deziel merely indicate that the project network is scheduled and available for review and utilization by the user for managing a project and allocating tasks and resources according to the scheduled project. Applicant respectfully submits there is no teaching or suggestion in Deziel of “tracking reworked tasks and time duration to complete each reworked task” (emphasis added) during the course of the project as provided by the embodiment of the present invention recited in claim 10.

Claims 4-10 also depend either directly or indirectly from independent claim 1. Because of this dependency, claims 4-10 include all of the features of independent claim 1. Therefore, claims 4-10 are also submitted to be patentably distinguishable over Deziel in view of Haeberle

for the same reasons as discussed with respect to claim 1. Reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claims 4-10 is, therefore, respectfully solicited.

Turning now to the rejection of claims 11, and 14-19 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, independent claim 11 has been amended to recite similar features to claim 1. Therefore, claim 11 is respectfully submitted to be patentably distinguishable over Deziel in view of Haeberle for the same reasons as discussed with respect to claim 1.

With regard to the rejection of claims 14-19, these claims depend directly from independent claim 11. As a result of this dependency, claims 14-19 include all of the features of independent claim 11. Therefore, claims 14-19 are also submitted to be patentably distinguishable over Deziel in view of Haeberle, and reconsideration and withdrawal of the Section 103 rejection of claims 14-19 is respectfully requested.

Regarding the rejection of independent claim 21 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, claim 21 has been amended to recite similar features to claim 1. Therefore, independent claim 21 is respectfully submitted to be patentably distinct over Deziel in view of Haeberle for the same reasons as discussed with respect to claim 1. Therefore, reconsideration and withdrawal of the Section 103 rejection of independent claim 21 is respectfully solicited.

Regarding the rejection of claims 22-23, 25-26 and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, these claims depend either directly or indirectly from independent claim 21. Because of this dependency, claims 22-23, 25-26 and 29-30 include all of the features of independent claim 21. Accordingly, claims 22-23, 25-26 and 29-30 are also submitted to be patentably distinct over Deziel in view of Haeberle, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

Turning now to the rejection of claims 36, and 39-46 under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle, independent claim 36 has been amended recites similar features to independent claim 1. Therefore, independent claim 36 is submitted to be patentably distinguishable over Deziel in view of Haeberle for the same reasons as discussed with respect to claim 1.

Claims 39-46 depend either directly or indirectly from independent claim 36. Because of this dependency, claims 39-46 include all of the features of independent claim 36. Therefore, claims 39-46 are also submitted to be patentably distinguishable over Deziel in view of Haeberle. Reconsideration and withdrawal of the Section 103 rejection of claims 39-46 is, therefore, respectfully requested.

Claims 13 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Deziel in view of Haeberle and further in view of U.S. Patent No. 5,826,236 to Narimatsu, et al. (hereinafter Narimatsu). This rejection is respectfully traversed. Claim 13 depends directly from independent claim 11 and claim 27 depends indirectly from independent claim 21. Because of these dependencies, claims 13 and 27 include all of the features of the referenced independent claim and any intermediate claims. Narimatsu was cited for teaching a PERT calculation. Applicant respectfully submits that Narimatsu adds nothing to the teachings of Deziel and Haeberle so as to render independent claims 1 and 21 unpatentable. Therefore, claims 13 and 27 are respectfully submitted to be patentably distinguishable over Deziel, Haeberle and Narimatsu, and reconsideration and withdrawal of the Section 103 rejection of claims 13 and 27 is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

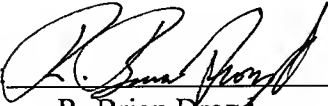
If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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